



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,507	08/25/2003	Vijay Mital	MSFT-1948/301410.01	4233
41505 7590 01/08/2008 WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER RADTKE, MARK A	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,507

Applicant(s)

MITAL ET AL.

Examiner

Mark A. X Radtke

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 16, 18, 21-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 16, 18, 21-25 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 November 2007 has been entered.

Remarks

2. In response to communications filed on 27 November 2007, claim(s) 26 is/are cancelled and claim(s) 25 and 30 is/are amended per Applicant's request. Therefore, claims 1-7, 16, 18, 21-25 and 27-31 are presently pending in the application, of which, claim(s) 1, 16 and 25 is/are presented in independent form.
3. In light of Applicant's amendments, the rejection under 35 U.S.C. 112, second paragraph, is withdrawn. In the interest of expediting prosecution, new grounds of rejection are presented.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 16, 18 and 21-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material per se.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal,

does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

The claimed invention may be construed as a collection of "software" "program modules" in light of paragraph [0024] of the instant specification. Applicant may wish to consider adding explicit recitations of physical hardware elements to the claims, such as processors, memory and displays.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7, 16, 18 and 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracey (U.S. Pat. No. 6,795,071), and further in view of Cloud (U.S. Pat. No. 5,634,127).

As to claim 1, Tracey teaches a method for associating an application entity managed by an application with a plurality of related service entities managed by a plurality of application services, the application maintaining application metadata

corresponding to the application entity, the application services maintaining service metadata corresponding to the related service entities (see Abstract), the method comprising:

- combining service metadata corresponding to the context entity into context metadata (see column 20, lines 21-23);

- matching the application entity to the context entity based on the application metadata and the context metadata (see column 21, lines 12-26);

- determining a state of each service entity within a corresponding business process administered by the application service that manages the service entity (see column 22, line 47 and columns 23-24, Table 1);

- determining dynamic actions available on the related service entities, the available dynamic actions comprising an indication of whether a state change is available on each service entity within its corresponding business process (see column 31, lines 3-18 and columns 31-35, "Event Generation"); and

- generating a display of the state of each service entity within its corresponding business process and the available dynamic actions (see column 31, lines 3-18).

Tracey does not explicitly teach wherein the business process comprises different business processes;

- matching the related service entities based on the service metadata; and

- combining the related service entities into a context entity that is a single entity derived from one or more service entities.

Cloud teaches wherein the business process comprises different business processes (see Abstract and see column 11, lines 39-41);

matching the related service entities based on the service metadata (see figure 11 and see column 16, lines 22-35); and

combining the related service entities into a context entity that is a single entity derived from one or more service entities (see column 13, lines 40-57 and see column 14, lines 17-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tracey by the teaching of Cloud to solve the problems of "substantial technical integration problems resulting from different equipment and different ADP philosophies. Retraining of users was required on the disparate systems of the merging organizations and there was a clash of corporate culture and doctrine which created a need for significant re-engineering of the business processes of the old organization(s), to the new" (see Cloud, column 1, lines 17-24).

As to claims 2, 18 and 26, Tracey, as modified, teaches wherein matching the related service entities comprises matching the related service entities based on attributes of the related service entities (see column 8, lines 26-47).

As to claims 3 and 27, Tracey, as modified, teaches wherein matching the application entity to the context entity comprises matching the application entity to the

context entity based on attributes of the application entity and attributes of the context entity (see column 31, lines 42-55).

As to claims 4, 23 and 28, Tracey, as modified, teaches further comprising obtaining service metadata corresponding to the related service entities (see columns 23-24, Table 1).

As to claims 5, 21-22 and 29, Tracey, as modified, teaches wherein obtaining the service metadata corresponding to the related service entities to the application comprises:

determining at a context service static actions available on the related service entities (see column 27, lines 16-21); and

querying an action service to determine dynamic actions available on the related service entities (see columns 29-30, "Menus").

As to claims 6 and 30, Tracey, as modified, teaches further comprising providing the service metadata corresponding to the related service entities to the application (see columns 23-24, Table 1).

As to claims 7 and 31, Tracey, as modified, teaches wherein providing the service metadata corresponding to the related service entities to the application

comprises providing static and dynamic actions available on the related service entities to the application (see column 31, lines 3-18).

As to claim 16, Tracey teaches a system for managing at an application a first service entity at a first application service (see Abstract), the system comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 24, Tracey, as modified, teaches wherein managing the first service entity at the application using the service metadata comprises:

generating at the application a display of the static and dynamic actions available on the first service entity (see column 31, lines 3-18); and

selecting from the display at the application an action to be performed on the first service entity at the first application service (see columns 31-35, "Event Generation").

As to claim 25, Tracey teaches a computer readable storage medium for associating an application entity (see Abstract):

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

Response to Arguments

8. Applicant's arguments filed on 27 November 2007 with respect to the rejected claims in view of the cited references have been fully considered but are moot in view of the new grounds for rejection.

Additional References

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of art with respect to workflow management in general:

US 6282531 B1, assigned to Haughton

Conclusion

10. Any inquiry concerning this communication or earlier communications should be directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571) 272-7163, and the examiner can normally be reached between 9 AM and 5 PM, Monday through Friday.

If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

Application/Control Number:
10/648,507
Art Unit: 2165

Page 10

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (800) 786-9199.

maxr

4 January 2008

A handwritten signature in black ink, appearing to read 'C. Chace', with a long horizontal flourish extending to the right.

CHRISTIAN CHACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100